

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 8/4/2020

ERIC FISHON, ALICIA PEARLMAN, and PATRICK
YANG, individually and on behalf of all others similarly
situated,

Plaintiffs,

-v-

PELOTON INTERACTIVE, INC.,

Defendant.

19-cv-11711 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

On July 29, 2020, the Court received a notice of voluntary dismissal of plaintiff Patrick Yang pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). (Dkt. No. 58.) The Court advised that Rule 41 addresses dismissal of actions rather than dismissal of parties. (Dkt. No. 59.) The Court construed the application as one addressed to the Court's power under Rule 15 or Rule 21, or its inherent power and ordered Defendant to file any opposition to the dismissal no later than 5:00 p.m. on August 4, 2020. (*Id.*)

The Court has now received Defendant's notice of non-opposition to the voluntary dismissal of Patrick Yang, which specifies that, to the extent that the Court construes Plaintiff Yang's request for voluntary dismissal as an amendment to the Complaint under Federal Rule of Civil Procedure 15, Defendant respectfully requests that the Court order that no further response is required to the amended pleading under Rule 15(a)(3), or accept this letter as Defendant's notice that it relies on its initially filed motion to dismiss (Dkt. Nos. 29, 30, 31) under the Court's Individual Practices in Civil Cases Rule 3(B), whichever is most appropriate. (Dkt. No. 60.)

The Court hereby **SO ORDERS** the voluntary dismissal of Patrick Yang pursuant to its authority under Rules 15 and 21 and its inherent power. To the extent the dismissal is predicated on Rule 15, the Court accepts Dkt. No. 60 as notice from Defendant that it relies on its initially-filed motions to dismiss.

The Clerk of Court is respectfully directed to terminate plaintiff Patrick Yang.

SO ORDERED.

Dated: August 4, 2020
New York, New York



LEWIS J. LIMAN
United States District Judge